

**FITCHBURG PLANNING BOARD MEETING MINUTES
TUESDAY, MAY 20, 2008**

MEMBERS PRESENT: Paula Caron, Chair
John DiPasquale
Mike DiPietro
Mike Hurley
Paul Fontaine, Jr.
Nancy Maynard

MEMBERS ABSENT: Elizabeth Slattery

PLANNING OFFICE: David Streb
Mike O'Hara

Call to Order

Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

Communications

Mr. Streb mentioned several projects:

- Public Meeting for Main Street Smart growth project May 22 at Fire Station with the Concord Square Planning & Development's assistance
- Ch. 43D expedited permitting - Contract has been signed for engineering of the Airport Road site. Work progressing on refining scope of work for development of permit tracking system and adoption of regulations to conform to Ch. 43D.

Meeting Minutes

Motion made & seconded to approve minutes of the April 15, 2008 meeting as written.

Vote unanimous to approve.

ANR plans

None

Minor Site Plan Review

None.

CLARIFICATION: Independent Estates

Some conditions are inconsistent or need clarification. e.g. reference to a Master Deed should be modified to a "Homeowners' Association". Also, request to reduce driveway setback to side property line from 10 feet to 5 feet, except for Lot 1 and Lot 18, when a driveway abuts another house. Board determined five feet is O.K. for lots fronting on Independence, but not for lots fronting on Franklin Road.

David Streb: What about a reclamation bond, in case developer goes under, to re-do the site?

Board: Bond is intended for work within public way, not cost of entire development.

Agreed to require a bond for moving the water main, access road to the pump station and work in the public way.

A corrected decision will be written up and filed with the City Clerk.

PUBLIC HEARINGS

Special Permit & Definitive Subdivision Plan - Fisher Road LLC, 20 lots, off Fisher Rd.

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: continued to June 17.

Chris Deloge of Whitman and Bingham Associates presented. Discussed an Option B that moves houses away from west edge of parcel adjacent to Mr. Duprey and had copies of reduced version of Option B. He has not completed his drainage calculations. He would like a continuance to the next meeting.

The Board voted unanimously to continue the hearing to June 17.

Rescinding Approval of Special Permit #04-21 - Fairway Homes, JCJ, Inc., Arn-How Farm Road & Billings Road

(continued from 4-15-08)

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: special permit rescinded

Applicant was not present.

Mike spoke to Ed Brown of MS Transportation. He said that Jim Haynes has not paid further monies owed to MS Transportation for the design work conducted on the roundabout improvements at the intersection of John Fitch Highway and Rt. 31.

Mr. Hurley asked what the status is of the Scott Road Bridge & how the detours during the construction of the roundabout will work. David Streb said he'd check.

Mr. Fontaine said the only reason rescission was being considered was because of the applicant's lack of timely payment for the roundabout project design, which was holding up the construction process for this state roadway project. This is now all set, as the state is paying for the job.

Dave Nickless, 699 Ashby State Road, disagreed with Mr. Fontaine's recollection. This Board charged Mr. Haynes with returning with proof that he has provided a payment for his obligation to finance the design work as approved. He also went into a number of other problems with Mr. Haynes' performance in the area. He said that the approval should be rescinded.

Current deadline is September 2009 for substantial completion. Applicant had previously indicated to the board at December 2007 meeting that the 94-unit project as approved would not likely be built due to market conditions; rather they intend to submit new plans for approval of a mixed residential development on the site, which would require a new special permit application.

A potential permit amendment was discussed that would shift the permit condition to alternatively pay for improvements to another roadway project in the area. However, this could be moot if the approved project does not intend to be built. Alternative roadway improvements could be considered as a special permit condition of a new project.

Public Hearing was closed at 7:40 p.m. Mr. Hurley moved to rescind approval, Ms. Maynard seconded. Vote 4-2 in favor. Staff will check whether a simple majority is needed to rescind.

Definitive Subdivision Plan - Tully, Ashby West Road

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: approved.

Gary Shepard of David E. Ross Associates presented background of project. Originally submitted a 12-Lot "ANR" plan. It was suggested to have DPW approve proposed improvements to Shattuck Road and then resubmit plan. Applicant submitted road improvement plan NOI to Conservation Commission, but Order of Conditions was denied. DEP approved a Superseding Order, City appealed that to DEP-Administrative Law Division.

Lengthy negotiations ensued. Settlement agreement was reached which involved a land swap. Of Ms. Tully's 25 acres, 15 of them would be traded for 7.5 acres of city of Fitchburg land on NE corner of Ashby West & Shattuck Rd. Total of seven lots shown on plan -- six new building lots: Lots 6, 7 & 8 on land currently C. of F., and Lot 2 on Ashby West Rd. and Lots 1 & 4 fronting on Shattuck Road. Shattuck Road to be improved to 22 feet wide. Length approx. 650 feet. Septic systems for proposed building lots have been designed & approved. Will all be on private wells.

Width of street is a required waiver. Lot 2 will have buffer zone work, otherwise the entire project is out of the buffer zone. Gary said they'd be willing to move the gate on Shattuck Road to the end of the improved section of Shattuck. Water Dept. will still need to access that road.

Mr. Hurley asked about culverts under Ashby West Road. Gary said that if the DPW went before the Conservation Commission to get the permit, they said they'd be willing to do the repair work. Mr. Hurley pointed out that the condition of the culvert under Shattuck Road, beyond this project, should be documented in case any trucks go over it and cause damage.

Ms. Caron read the waiver requests.

Motion made & seconded to close the public hearing. Vote unanimous in favor.

Motion made (Mr. Fontaine) & seconded (Nancy) to Approve the Definitive plan subject to conditions:

- Move gate at Shattuck Road to location as approved by Water Department.
- Detention basin contribution per lot, per Subdivision Regulations
- DPW check out condition of culverts under Ashby West Rd. Applicant to clean out culverts.
- Applicant to replace culverts under Ashby West Road, if needed, provided the City of Fitchburg is the applicant.

Board granted requested waivers as listed in Ross Assocs. letter dated 4-23-08, and also waived the fee in lieu of sidewalks.

Vote 6-0 to approve.

Special Permit - Lorden, renovate into 5 residential units, 11-17 Sanborn St.

Voting members present: Caron, DiPasquale, DiPietro, Fontaine, Hurley, Maynard (6)

Action: approved.

Gary Lorden presented plan. Building Commissioner had determined that structure had been unused as five-unit building for more than two years and therefore required a Special Permit.

Pam Hill: has owned abutting building at 23-29 Sanborn for over 24 years. Building is identical to 11-17 Sanborn and is 4 units. She is thrilled that Gary Lorden bought the building. Previous owner tried to go to ZBA to get 5 units. She doesn't see the sense in stuffing 5 units and using 95% of the lot for parking and building. She also thinks the chain link fence on edge of parcel is on City property.

If he puts an apartment in the basement, then tenants can't access the building from parking, except by walking around the building. The retaining wall shared by the two parcels needs to be fixed. The

previous owner (Xarras) had removed a tree years ago and damaged the wall. Lorden is OK with helping -- estimates one guy, one day with excavator).

Motion made & seconded to close the public hearing. Vote unanimous in favor.

Motion made (Mr. Fontaine) & seconded (Ms. Maynard) to Approve a Special Permit subject to conditions:

Paul Fontaine Jr. moved to approve a 4-unit dwelling with new parking plan eliminating three spaces, remove two parking spaces in front, do exterior improvements, landscaping along parking edge, landscaping in front, subject to an agreement between the applicant and the abutter.

Vote 6-0 to approve.

OTHER BUSINESS

Concept plan - Habitat for Humanity, Allen Place

Habitat's Executive Director, Megan Foley, and Mike Nobrega, Construction Manager discussed with the Board a possible project on Allen Place. Site consists of three contiguous parcels consisting of about 20,000 sq. ft. Ms. Foley presented a plan of three attached townhouse style units, but stated they wanted a 4th unit. They say the site costs are so high, they need four units. Would be condominium type of ownership. They had explored a Zero Lot Line scenario with each unit on its own lot, but it would need numerous Variances -- in Building Commissioner's opinion, not likely to be granted.

The Board strongly preferred three units vs. four. Will require a Special Permit.

Discussion of various configurations. One could be a two-unit building (by right) and a separate single-family on its own infill lot (special permit). Habitat will explore that option.

Meeting adjourned 8:30 p.m.

Next meeting: June 17, 2008

Minutes approved: 6-17-08